

1 CHRISTOPHER S. MISHLER, ESQ. (14402)  
2 BROWN MISHLER, PLLC  
3 911 N. Buffalo Dr., Ste. 202  
4 Las Vegas, Nevada 89128  
5 Tel: (702) 816-2200  
6 Email: [CMishler@BrownMishler.com](mailto:CMishler@BrownMishler.com)  
7 *Attorney for Defendant*  
8 *Brandon Casutt*

9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA,

2:20-cr-231-APG-NJK

12 Plaintiff,

**MOTION TO APPOINT  
CO-COUNSEL**

13 vs.

14 BRANDON CASUTT,

15 Defendant.

16 Defendant Brandon Casutt respectfully asks the Court to appoint Mr.  
17 William H. Brown as co-counsel. The nature and time-constraints of this  
18 case are such that the interests of justice require appointment of co-counsel  
19 and Mr. Brown (current counsel's law partner) is well suited to serve that  
20 role.  
21  
22  
23  
24  
25  
26  
27  
28

1 This motion is made and based upon *Guide to Judicial Policies and*  
2 *Procedures*, Vol 7, Ch 2 § 230.53.20(b), the attached memorandum of points  
3 and authorities, the pleadings and papers on file herein, and any argument to  
4 be entertained by the Court.  
5

6 Dated: March 21, 2023

7 Respectfully submitted,  
8

9 By: /s/ Christopher S. Mishler  
10 CHRISTOPHER S. MISHLER, ESQ. (14402)  
11 BROWN MISHLER, PLLC  
12 911 N. Buffalo Dr., Ste. 202  
13 Las Vegas, Nevada 89128  
14 Tel: (702) 816-2200  
15 Email: [CMishler@BrownMishler.com](mailto:CMishler@BrownMishler.com)  
16 *Attorney for Defendant*  
17 *Brandon Casutt*  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**MEMORANDUM OF  
POINTS AND AUTHORITIES**

**A. BACKGROUND**

This is a case in which the government asserts the Defendant engaged in a bank fraud, wire fraud, false statement to a financial institution, and money laundering/concealment.<sup>1</sup> The case was originally set for trial, but on the eve of trial Defendant entered a guilty plea pursuant to a plea agreement.<sup>2</sup> Prior to the sentencing date, Defendant filed a *pro per* motion to replace counsel and to withdraw his guilty plea.<sup>3</sup> Following a hearing on the issue raised in that motion, the Court determined that new counsel should be appointed to represent Defendant going forward.<sup>4</sup> Finally at a status hearing on the issue of the outstanding motion to withdraw plea, the court deemed the *pro per* motion to withdraw his plea, to be withdrawn, and set a deadline to file a new motion through counsel of June 20, 2023.<sup>5</sup>

As the Court is aware from the most recent hearing, counsel for Defendant has a lengthy trial before Judge Navarro that will limit his ability

---

<sup>1</sup> See EFC No. 12.

<sup>2</sup> See ECF No. 151, 153.

<sup>3</sup> See ECF No. 170.

<sup>4</sup> See ECF No. 175.

<sup>5</sup> See ECF No. 182.

1 to digest the discovery in the present case in a timely manner. In addition,  
2 this case contains a sufficiently large amount of discovery that when counsel  
3 raised the issue at the March 1, 2023 hearing, a proposed solution of adding  
4 co-counsel to assist present counsel. This addition would allow for the  
5 complete review of discovery and researching/drafting a motion to withdraw  
6 plea in accordance with the Court's shortened deadline of June 30, 2023. In  
7 addition, this will allow current counsel and proposed additional co-counsel to  
8 most efficiently prepare for trial in the event that the motion is successful, as  
9 there would be a shortened timeline for trial prep if such a motion were  
10 granted.  
11  
12  
13

#### 14 **B. APPOINTMENT OF CO-COUNSEL**

15 This case warrants the appointment of co-counsel because it is on a  
16 shortened timeline and has more discovery than a single attorney can review  
17 in the hours available to do so before the Courts deadline of June 30, 2023.  
18  
19

20 "In an extremely difficult case where the court finds it in the interest of  
21 justice to appoint an additional attorney, each attorney is eligible to receive  
22 the maximum compensation allowable under the CJA" *Guide to Judicial*  
23 *Policies and Procedures*, Vol 7, Ch 2 § 230.53.20. Additionally, the Guide  
24 provides that the Court's order must include a finding that "the appointment  
25 of an additional attorney in a difficult case was necessary and in the interests  
26 of justice." § 230.53.20 (b).  
27  
28

1 This case involves a substantial amount of discovery (including bank  
2 records, loan applications, transcripts from previous hearings, three digital  
3 forensic images, and many witnesses which would need to be interviewed).

4  
5 The defense has conferred with CJA Resource Counsel, who agrees, and  
6 recommends appointment of co-counsel. When the issue was raised with  
7 Judge Gordon, he acknowledged that he would look favorably upon such  
8 appointment in this case to assist current counsel.  
9

10 The defense's preferred co-counsel, Mr. Brown, is current defense  
11 counsel's law partner, a member of the CJA panel, and has conducted many  
12 federal criminal trials including one with current counsel *United States v.*  
13 *Thayer* and was instrumental in securing an acquittal at trial on three out of  
14 five fraud charges. *See* 2:21-cr-53 ECF No. 116 (verdict). Mr. Brown is  
15 capable, well-qualified, acknowledges the shortened timeframe for discovery  
16 review, and is willing to assume co-counsel duties in this case.  
17  
18  
19

20 For all these reasons, the defense respectfully asks that the Court enter  
21 an order appointing Mr. Brown co-counsel for Mr. Casutt.

22 Dated: March 21, 2023  
23

24 Respectfully submitted,

25 By: /s/ Christopher S. Mishler  
26 CHRISTOPHER S. MISHLER, ESQ. (14402)  
27 BROWN MISHLER, PLLC  
28 *Attorney for Defendant*  
*Brandon Casutt*

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of BROWN MISHLER, PLLC, and that on this date I e-filed and e-served, via the Court's CM/ECF filing system, the foregoing **MOTION TO APPOINT CO-COUNSEL** to the parties of record.

Date: March 21, 2023 By:

/s/ Christopher Mishler

Employee of BROWN MISHLER, PLLC

1 CHRISTOPHER S. MISHLER, ESQ. (14402)  
2 BROWN MISHLER, PLLC  
3 911 N. Buffalo Dr., Ste. 202  
4 Las Vegas, Nevada 89128  
5 Tel: (702) 816-2200  
6 Email: [CMishler@BrownMishler.com](mailto:CMishler@BrownMishler.com)  
7 *Attorney for Defendant*  
8 *Brandon Casutt*

9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA,

2:20-cr-231-APG-NJK

12 Plaintiff,

**[PROPOSED]  
ORDER TO APPOINT  
CO-COUNSEL**

13 vs.

14 BRANDON CASUTT,

15 Defendant.

16  
17 Counsel for defendant Brandon Casutt has moved for an order  
18 appointing co-counsel in this case. The motion seeking appointment of co-  
19 counsel explains the nature of the case, the difficulties it presents, and how,  
20 as a result, appointing co-counsel is necessary in the interest of justice.  
21 Proposed co-counsel is William H. Brown, who is current counsel's law  
22 partner, a member of the CJA panel, and was previously appointed co-  
23 counsel in *United States v. Perez* (2:16-cr-62-LRH-EJY).  
24  
25


26  
27 As required by Volume 7, Ch. 2 § 230.53.20 of the Guide to Judicial  
28 Policies and Procedures, the Court finds that the appointment of an

1 additional attorney in this difficult case is necessary and is in the interests of  
2 justice.

3 GOOD CAUSE APPEARING, it is hereby ORDERED that the Clerk of  
4 the Court shall notify the CJA appointing authority for the District of Nevada  
5 of the appointment of attorney William H. Brown as co-counsel for defendant  
6 Brandon Casutt.  
7

8  
9 IT IS SO ORDERED.

10 DATED this 22<sup>nd</sup> day of March, 2023.

11  
12   
13 \_\_\_\_\_  
14 UNITED STATES DISTRICT JUDGE  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28